THE VERDICT OF A TRIAL JUDGE IN A CASE OF ASSAULT AND BATTERY

BY

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INTRODUCTION

The following text is taken from a tablet (UCBC 756) which comes from the site of Tell Seba'. This mound is situated in the Nahrawân region, beyond the Diyâlâ river, which territory contains the tells of Bismaya, Asmar (Ašnunnak), Tshuma, Khafadjy, Ašjaly, and Adjrab. No exhaustive survey of this region has as yet been made by the Government Survey Office in Baghdad. The writer was fortunate in acquiring a goodly number of cuneiform tablets and other archaeological objects from each of the above-mentioned sites.

The tablet here presented belongs to the Hammurabi period. It is baked, black of color, and measures 48 mm. in height, 37 mm. in width, and 23 mm. in thickness.

The text, consisting of twenty lines, contains the verdict of a trial judge, who evidently pronounced judgment within the Ishtar Gate against a feudatory who had committed assault and battery.

TRANSLITERATION

1 ^{m}Bi-ir-ì-lí-šu ṣâb Amurrim
2 li-it ^{m}A-bil-ì-lí-šu
3 Ia-ḫu-ši-na im-ḫa-aṣ-ma
4 it-ta-ki-ir um-ma šu-ma
5 ú-ul am-ḫa-aṣ
6 šak(k)anakku ù da-ia-nu
7 ^{m}Bi-ir-ì-lí-šu ṣâb Amurrim
8 a-na bâb ^{d}Ištar id-di-nu-šu
9 iz-za-az
10 i-za-ka-ar-ma
11 it-ta-la-ak
12 a-ba ú-ul ir-me-ma
13 ú-ul iz-zi-iz
14 ú-ul ap-qu-ur-ma
15 3⅓ šiqlu kaspa qa-la
16 i-na-din
17 ^{m}Še-li-bu
18 ^{m}Ì-lí-ti-la-ti
19 uŠi-iq-lum
20 mâr(?) In-bu-ša

TRANSLATION

(1) Bîr-ilišu, an Amorite feudatory, (3) assaulted Iaḫušina, (2) the offspring of Abil-ilišu, (4) and acted in a hostile manner.[1] He claimed: (5) "I did not strike."[2] (6) The prefect and the judge[3] (8) brought (7) Bîr-ilišu, the Amorite feudatory, (8) to the Gate of Ishtar.[4] (9) He presents himself [in court], (10) gives utterance, (11) and goes to and fro.[5] (12) The "father" did not bring accusation[6] (13) nor did he appear [in court]. (14) I did not dispute [the claim] and (16) he shall pay (15) three and one-third shekels of refined silver. (17) Šêlibu,[7] (18) Ili-tilati[8] (19) and Šiqlum (20) the son of Inbuša.[9]

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[1] The two introductory sentences state the case. Bîr-ilišu is accused of assault and battery and unfriendly behavior, the first of which he denies.

[2] It appears that the words of the defendant were taken down verbatim before a local judge, in a preliminary hearing of which the salient fact is here quoted. The plaintiff, however, does not seem to have been present at the preliminary hearing, as his complaint does not appear in direct quotation. The plaintiff, furthermore, is not Iaḫušina, but his father, Abil-ilišu, who did not even appear in court when the case came up for trial (line 13; see, however, note 6). Iaḫušina may have been a minor.

[3] The judge who brought Bîr-ilišu to the Ishtar Gate may have been the one who sat in the preliminary hearing.

[4] The Ishtar Gate may be the well-known gate of Babylon or of such a place as Ašnunnak. The local judge probably had no jurisdiction over a feudal vassal.

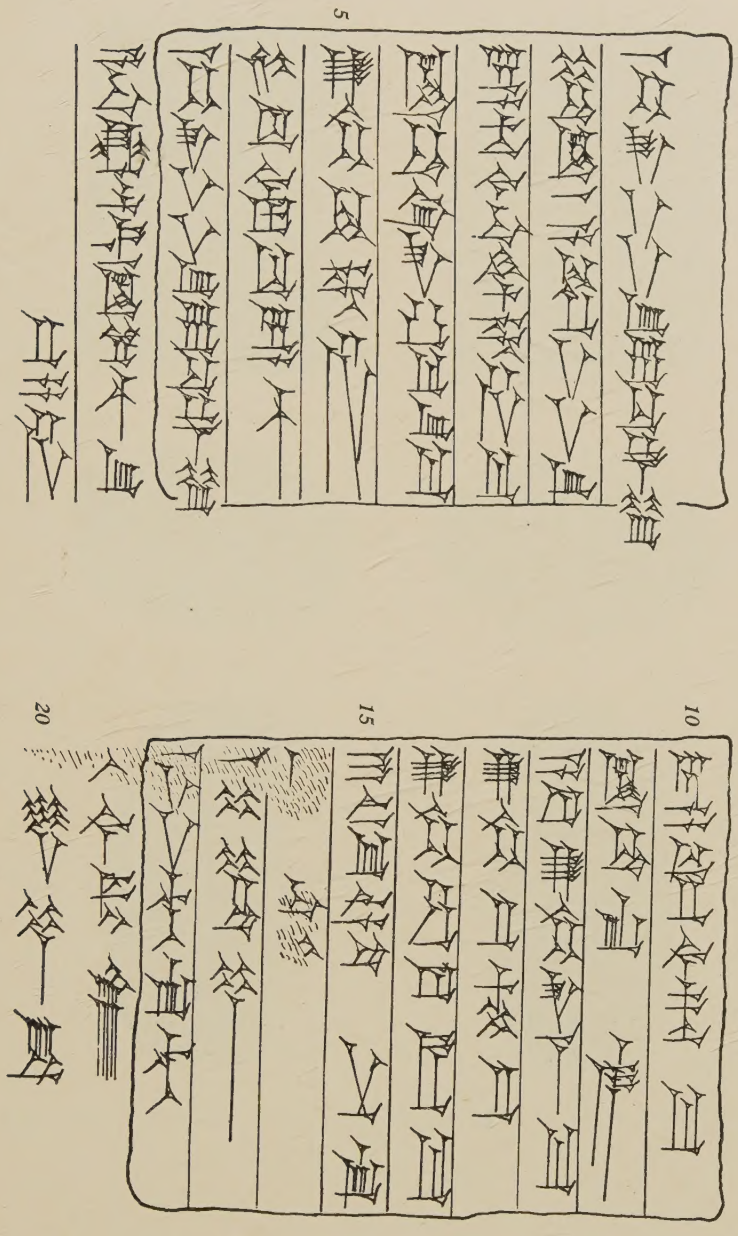
[5] ittalak implies that Bîr-ilišu was not kept imprisoned during his trial, but was allowed to move about freely.

[6] ûl ir-me, literally "he did not throw." The term a-ba seems to imply more than mere fatherhood in the physical sense. Employed in an absolute use without a following genitive of specification, it should, perhaps, be taken as an honorific title. In this case it is doubtful to refer a-ba back to Abil-ilišu (see note 2). It may with equal justification, as far as the text is concerned, be referred to the feudal superior of the Amorite, who maintained a neutral attitude in the case.

[7] The judge who handed down the verdict is evidently the first-named individual, Šelibu. The two others named probably were his associates.

[8] Ì-lí-ti-la-ti; tillatu "help, assistance."

[9] The mâru sign cannot be seen on the tablet but it must be assumed; it is possibly a siribal omission. With Šiqlum compare the name Šiqlanu.



1

2

3

4

5

6

1, obverse; 2, reverse; 3, upper edge; 4, lower edge; 5, left side; 6, right side.

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